

HOUSE BILL NO. 245

INTRODUCED BY MACLAREN

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO BODY PIERCE A ~~MINOR CHILD~~
~~UNDER 16 YEARS OF AGE~~ MINOR WITHOUT PARENTAL CONSENT; AND AMENDING SECTION 45-5-623,
MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

(a) sells or gives explosives to a child under the age of majority except as authorized under appropriate city ordinances;

(b) sells or gives intoxicating substances other than alcoholic beverages to a child under the age of majority;

(c) sells or gives an alcoholic beverage to a person under 21 years of age;

(d) being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child under the age of majority without authorization of the parent or guardian; or

(e) tattoos or body pierces a child under the age of majority ~~16 YEARS OF AGE~~ THE AGE OF MAJORITY without the explicit in-person consent of the child's parent or guardian. For purposes of this subsection, "tattoo" has the meaning provided in 50-2-116 and "body pierces" means penetrating the skin to make BY MAKING a hole, mark, or scar that is generally permanent in nature, not including ear piercing by means of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear. BODY PIERCES DOES NOT INCLUDE A MEDICAL PROCEDURE, INCLUDING BUT NOT LIMITED TO ACUPUNCTURE, PERFORMED BY A HEALTH CARE PROVIDER, AS DEFINED IN 50-4-504, WHO PROVIDES PHYSICAL HEALTH CARE AND IS QUALIFIED TO PERFORM BODY PIERCING IN THE ORDINARY COURSE OF THE HEALTH CARE PROVIDER'S PROFESSION. Failure to adequately verify the identity of a parent or guardian is not an excuse for violation of this subsection.

(2) A person convicted of the offense of unlawful transactions with children shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person

1 convicted of a second offense of unlawful transactions with children shall be fined an amount not to exceed
2 \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's
3 comments for contingent termination of certain text.)"

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